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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JONAS BOCANEGRA,

Plaintiff,

vs.

PALISADES COLLECTION LLC.,

Defendant

Case No.: **CV '09 1410 ST**

COMPLAINT

Unfair Debt Collection Practices;

Violation of 15 USC § 1692 (FDCPA)

Jury Demand

**PRELIMINARY STATEMENT**

1. This is an action for money damages brought by a consumer pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq, which prohibits abusive, deceptive and unfair debt collection practices.
2. Plaintiff's claims arise from defendants attempts to collect a debt in Oregon through the means and instrumentalities of interstate commerce and the mails.

**JURISDICTION**

3. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).
4. Venue is proper in this District under 28 U.S.C. § 1391 because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

**PARTIES**

5. Plaintiff Jonas Bocanegra is a natural person who resides in the city of Hillsboro, Washington County and the State of Oregon and is a consumer as that term is defined by 15 U.S.C. § 1692a(3).
6. Defendant PALISADES COLLECTION LLC. (hereinafter “Palisades”) is a limited liability company organized under Delaware law and does business in Oregon. Defendant Palisades principal place of business, according to the Oregon Secretary of State, records, is 210 Sylvan Ave Englewood Cliffs New Jersey 07632.
7. Palisades uses the instrumentality of interstate commerce or the mails in a business, the principal purpose of which is the collection of debts.
8. Palisades uses the instrumentality of interstate commerce to regularly collect or attempt to collect, directly or indirectly, debts owed or due or asserted to be owed or due others.
9. Palisades, represented by the law firm Johnson Riddle & Mark, LLC, filed case number C087017CV (hereinafter, “the lawsuit”) in Washington County in the state of Oregon against plaintiff on November 28<sup>th</sup>, 2008.
10. The lawsuit was an attempt to collect a debt, allegedly stemming from a retail installment contract entered into between Mr. Bocanegra and Dick’s Country Dodge to purchase a 1997 Dodge Avenger, and allegedly owed to Palisades.
11. The debt was incurred by plaintiff and arose out of transactions in which the money or services which were the subject of the transaction were primarily for personal, family or household purposes.
12. Plaintiff cannot certify as to the last time he made a payment on the vehicle and has no records of any payments but he believes that no payment was made after the vehicle was

reposed. Documents provided by Palisades show that the vehicle was offered for sale at auction on 2/26/2003.

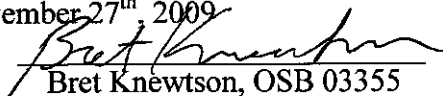
**FIRST CLAIM FOR RELIEF**

13. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
14. The attempt to collect the stale debt, beyond Oregon's four year statute of limitations, for a retail installment contract, through the lawsuit, is an unfair and deceptive practice and a violation of multiple provisions of the Fair Debt Collection Practices Act, including but not limited to 15 U.S.C. §§ 1692e, 1692e(2), 1692e(5), 1692e(10), and 1692f, amongst others.
15. As a result of each and every Defendant's violation of the FDCPA, Plaintiff has statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A).
16. Actual damages to be determined pursuant to 15 U.S.C. § 1692k(a)(1).
17. Plaintiff is entitled to reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

**WHEREFORE**, Plaintiff prays that judgment be entered against each and every Defendant for:

- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant;
- for an award of actual damages to be determined pursuant to 15 U.S.C. §1692k(a)(1) against Defendant.
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant;

Dated this November 27<sup>th</sup>, 2009

  
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